

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

UNITED STATES OF AMERICA and
THE STATE OF WISCONSIN,

Plaintiffs,

v.

No. 10-CV-910-WCG

NCR CORPORATION, *et al.*,

Defendants.

**DEFENDANT APPLETON PAPERS INC.'S
MOTION FOR SUMMARY JUDGMENT**

Defendant Appleton Papers Inc. ("API"), by its undersigned counsel, respectfully moves the Court, pursuant to Fed. R. Civ. P. 56 and Eastern District Local Rule 56.2, for an Order granting summary judgment in its favor as to all claims asserted against it by the United States of America and the State of Wisconsin in the above-captioned matter and dismissing all such claims with prejudice.

The grounds for this motion are set forth in the Memorandum of Defendant Appleton Papers Inc. In Support of Its Motion for Summary Judgment. Contemporaneously, API is also filing Defendant Appleton Papers Inc.'s Proposed Findings of Fact In Support of Motion for Summary Judgment and the Declaration of Ronald R. Ragatz in Support of Appleton Papers Inc.'s Motion for Summary Judgment.

Dated this 28th day of July, 2011.

Respectfully submitted,

APPLETON PAPERS INC.

By /s/ Ronald R. Ragatz
One of Its Attorneys

Counsel for Appleton Papers Inc.:

Michael L. Hermes (#1019623)
Heidi D. Melzer (#1076125)
Brandon J. Evans (#1063940)
Ericka L. Krumrie (#1066383)
Hermes Law, Ltd.
333 Main Street, Suite 601
Green Bay, WI 54301
(920) 436-9870

Ronald R. Ragatz (#1017501)
Dennis P. Birke (#1018345)
Megan A. Senatori (#1037314)
DeWitt Ross & Stevens S.C.
Two East Mifflin Street
Madison, WI 53703
(608) 255-8891